

JP:RTP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
- against -

C O M P L A I N T

DWAYNE ANDRE JONES,
also known as
"Andre M. Lopez,"

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MARIO GARAFFA, being duly sworn, deposes and states that he is a Deportation Officer with Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about February 4, 2012, within the Eastern District of New York and elsewhere, the defendant DWAYNE ANDRE JONES, also known as "Andre M. Lopez," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about February 4, 2012, the defendant DWAYNE ANDRE JONES, also known as "Andre M. Lopez," was arrested by the New York City Police Department in Queens, New York for driving while intoxicated, contrary to Section 1192 of the New York State Vehicle and Traffic Law. The defendant used the name "Andre M. Lopez" in connection with this arrest.

3. Subsequent to the arrest, ICE officials ran a criminal history and found that the defendant DWAYNE ANDRE JONES, a citizen of Jamaica, had been previously removed from the United States on or about April 29, 2009.

4. ICE officials determined that on or about October 2, 2007, the defendant DWAYNE ANDRE JONES was convicted of


^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

conspiracy to defraud the United States, contrary to Title 18, United States Code, Section 371, and was ordered to pay restitution in the amount of \$84,680.91 to the United States Department of Housing and Urban Development. The defendant's conviction is an aggravated felony offense.

5. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his October 2, 2007 conviction; the fingerprints taken in connection with the defendant's April 29, 2009 removal; and the fingerprints taken in connection with the defendant's February 4, 2012 arrest, and determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant DWAYNE ANDRE JONES, also known as "Andre M. Lopez," be dealt with according to law.



MARIO GARAFFA
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
6th day of June, 2012



THE HC
UNITED
EASTERN

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JACK
JUDGE
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